

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Jeanette E. Chapman

Group Art Unit: 3635

In re application of:

PAOLO TIRAMANI

Serial No.: 10/653,523

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MODULAR PREFABRICATED HOUSE

Attorney Docket No. 286357-00004-1

AFFIDAVIT OF ROBERT DELORENZO

Commissioner for Patents
MAIL STOP AF
P.O. BOX 1450
Alexandria, VA 22313-1450

Dear Sir:

Robert DeLorenzo hereby declares and states as follows:

1. I am a builder and a contractor with over 20 years of experience in the field of home construction. I have built, or been involved with the building of over 200 homes and/or other buildings. I have owned and operated my own construction business, DeLorenzo Construction Corporation for over 15 years.

2. Those skilled in the art of construction, especially in the construction of frames made from wood, identify vertical members of a frame assembly, typically by one of two names; a "post" or a "stud."

3. In a typical frame assembly, a "post" is a load-bearing vertical member, typically located at corner of a wall. Two posts may support a "beam" which is a horizontal load-bearing member. On walls having an extended length, additional posts may be used. The additional posts are, typically, spaced more than two feet apart from a corner post. Posts typically have a greater cross sectional area than a stud.

4. A "stud" is a reduced load-bearing vertical member. Because a stud is a reduced load-bearing member, a stud must be located, typically, less than two feet apart. Studs are typically made from a plurality of wooden 2"-by-4"s. If the studs have an actual cross-sectional area of 2"x 4", that is a non-dressed 2"-by-4", the studs are normally spaced 24" apart. If the 2"-by-4" have been dressed, that is, surfaced with a planing machine, the 2"-by-4" actually has dimensions closer to 1.5" by 3.5". Dressed studs are typically spaced 16" apart. Studs forming a wall typically include a top plate and a bottom plate. That is, a 2"-by-4" extending over the top of, or underneath, the studs.

5. I have reviewed U.S. Patent No. 6,959,515 disclosing a modular building structure. The patent states that a room module includes a steel chassis defining a "cuboid volume." This means that the chassis has four vertical members, one located in each corner of the module. The patent further states that "cross bracing" by diagonal members is optional. Because the vertical members of the chassis are load-bearing members, the vertical members would be identified as "posts" by those skilled in the art. Further, because the patent does not disclose additional vertical supports, whether load-bearing or not, between the corner posts, this patent fails to disclose any "stud" as that word is understood in the art.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

10.3.06

Dated

Robert Delorenzo